

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**JOHN EDWIN WITCHER, M.D.**

**DETERMINATION OF NEED FOR TEMPORARY ACTION**

**WHEREAS**, the Board has in its possession evidence indicating that John Edwin Witcher, M.D., hereinafter referred to as "Licensee", continuation in the practice or unrestricted practice of medicine constitutes an immediate danger to the public. Said facts in support of this Determination are set forth by Affidavit of Thomas Washington, Investigator for the Mississippi State Board of Medical Licensure, attached hereto and incorporated herein by reference;

**WHEREAS**, it is the duty of the Mississippi State Board of Medical Licensure to protect the public.

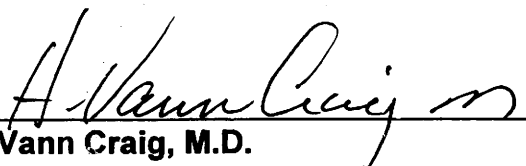
**NOW, THEREFORE, IT IS HEREBY ORDERED**, that temporary disciplinary action should be taken without a hearing prohibiting Licensee from practicing medicine, provided that proceedings for a hearing before the Board is initiated simultaneously with said temporary action pursuant to authority granted in Miss. Code Ann., Section 73-25-89.

**IT IS FURTHER ORDERED**, that a hearing must be held within fifteen (15) days of said action.

**IT IS FURTHER ORDERED**, that a copy of this Determination shall be sent by registered mail or personally served upon John Edwin Witcher, M.D., and should be effective immediately upon receipt thereof.

**ORDERED**, this the 28<sup>th</sup> day of March, 2011.

**Mississippi State Board of Medical Licensure**

  
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**H. Vann Craig, M.D.**  
**Executive Director**

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**JOHN EDWIN WITCHER, M.D.**

**ORDER OF TEMPORARY ACTION PENDING HEARING**

**WHEREAS**, John Edwin Witcher, M.D., hereinafter referred to as "Licensee," currently holds Mississippi Medical License Number 14977, said license valid until June 30, 2011;

**WHEREAS**, the Mississippi State Board of Medical Licensure, upon determining that evidence in its possession indicates that a physician's continuation in practice would constitute an immediate danger to the public, has the authority, pursuant to Mississippi Code Annotated, Section 73-25-89, to take any of the same actions on a temporary basis, without a hearing, which it could otherwise take under Sections 73-25-81 to 73-25-95 following a hearing, provided proceedings for a hearing before the board are initiated simultaneously with such temporary action without a hearing, and a hearing to be held within fifteen (15) days of such action;

**WHEREAS**, the Mississippi State Board of Medical Licensure has evidence in its possession indicating that Licensee's continued practice or unrestricted practice would constitute an immediate danger to public pursuant to Miss. Code Ann., Section 73-25-89;

**WHEREAS**, pursuant to authority granted in Miss. Code Ann., Section 73-25-89, the Board may take any of the same actions on a temporary basis, without a hearing, which it could otherwise take under Sections 73-25-81 to 73-25-95 following a hearing, provided

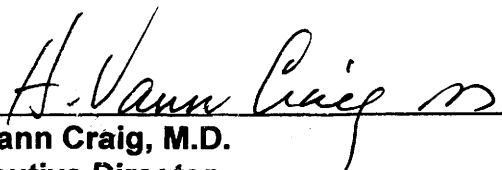
proceedings for a hearing before the board are initiated simultaneously with such temporary action, with a hearing to be held within fifteen (15) days of such action.

**NOW, THEREFORE, IT IS HEREBY ORDERED**, that pursuant to the aforementioned authority, Mississippi Medical License Number 14977, issued to Licensee, is hereby suspended pending the outcome of a hearing scheduled for April 8, 2011. Pending the scheduled hearing, Licensee is prohibited from treating, counseling or otherwise offering any medical advice or services to patients. Enclosed herewith and served as part of this Order is a copy of the Determination with Affidavit finding the Board has in its possession evidence indicating that Licensee's continuation in the practice or unrestricted practice of medicine would constitute an immediate danger to public health and safety.

**IT IS FURTHER ORDERED**, that a copy of this Order shall be sent by registered mail or personally served upon John Edwin Witcher, M.D., and shall be effective immediately upon receipt thereof.

**ORDERED** this the 28<sup>th</sup> day of March, 2011.

**Mississippi State Board of Medical Licensure**

  
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**H. Vann Craig, M.D.**  
**Executive Director**

**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**JOHN EDWIN WITCHER, M.D.**

**AFFIDAVIT**

**STATE OF MISSISSIPPI**

**COUNTY OF HINDS**

I, Thomas Washington, Investigative Division Bureau Director, Mississippi State Board of Medical Licensure, do hereby make oath that I have reason to believe and do believe:

1. John Edwin Witcher, M.D., hereinafter referred to as "Licensee," was licensed to practice medicine in the State of Mississippi on August 5, 1996, by issuance of Mississippi Medical License Number 14977;
2. That on or about June 30, 2000, the Board of Medical Licensure, hereinafter referred to as the "Board," received from Licensee an Application for Renewal of Mississippi License for Doctor of Medicine for the year July 1, 2000 - June 30, 2001. Licensee indicated on this application that he had not practiced medicine since December 5, 1999. Licensee indicated the answer "yes" to the question on the application, "During the period July 1, 1999 - June 30, 2000, were you the subject of any disciplinary action by any licensing authority, hospital, institution, or society?" Licensee also answered "yes" to the question, "During the period July 1, 1999 - June 30, 2000, did you enter a plea bargain, or were you arrested, charged, indicted or convicted for violating any law (other than minor traffic violation)?" Subsequently, the Executive Director of the Board, W. Joseph Burnett, M.D., requested that Licensee provide an explanation for his answers on the renewal application. Copy of Licensee's 2000 - 2001 application for renewal of Mississippi License is attached hereto as "Exhibit 1" and incorporated herein by reference.

Licensee, in a letter dated June 6, 2000 to Dr. Burnett explained his answers to the two questions. Licensee noted in part:

- a. "On December 6, 1999 I was arrested and accused of domestic violence by an old girlfriend. Instead of going to jail, I went to Pine Grove at Hattiesburg on Dec 7<sup>th</sup>, 1999 where Dr. Campbell evaluated me and referred me to Dr. Burgess (a psychiatrist). Dr. Burgess evaluated me and made a diagnosis of depression and placed me in the psychiatric unit for further evaluation and treatment... I went to court on the domestic violence charge in January and the case was placed in a file."

- b. "Around March 19<sup>th</sup>, 2000 I was arrested for an event that took place about 2 days prior at a girlfriends house and charged with trespassing, simple assault, disturbing the peace, and discharging a firearm in city limits... I was found guilty of trespassing, disturbing the peace, and discharging a firearm in public but not guilty of simple assault on that charge but instead the judge found me guilty of simple assault (instead of domestic violence) on the previous charge. I was placed on 90 days house arrest and two years probation."
- c. "On April 21<sup>st</sup>, 2000 I went to divorce court which has been going on since March 1998 when I was separated and April 1999 when I became divorced. I was behind on my alimony, child support, and my ex-wife's attorney fees since I had not been working since December 5<sup>th</sup>, 1999. The judge found me in contempt of court and immediately incarcerated me until I paid a total of \$29,757.03 of which I owed \$19,150 to my ex-wife..."
- d. I have not been working since December 5<sup>th</sup>, 1999 and have been ordered by Dr. Zakaras not to return to practice of medicine at this time because she feels I'm suffering from depression and not capable of handling stress. I don't feel I'm capable providing good patient care at this time although I'm being pressured by the divorce court to return to work immediately..."

Copy of said June 6, 2000, letter to Dr. Burnett from Licensee is attached hereto as "Exhibit 2" and incorporated herein by reference.

- 3. That as a result of the above licensure renewal information received from Licensee, Dr. Burnett accepted Licensee's explanation and authorized the renewal of Licensee's medical license under certain terms and conditions. Licensee was instructed not to practice medicine without the express authorization from the Board's Executive Director. A copy of Dr. Burnett's letter dated July 11, 2000, to Licensee is attached hereto as "Exhibit 3" and incorporated herein by reference.

That on June 25, 2001, the Board received information indicating that Licensee was authorizing faxed prescriptions for controlled substances from a company in the state of Georgia. On June 26, 2001, Harry Gunter, member of the Board's investigative staff traveled to Lucedale, Mississippi, and interviewed the pharmacist where the prescriptions were faxed in Mississippi. Copies of twenty (20) prescriptions bearing the name and practice address of Licensee were turned over to Investigator Gunter. The prescriptions were for diet medication such as Phentermine, Didrex, Bontril, etc. The addresses for the patients were from out of state locations such as Florida, Texas, and Ohio. Although Licensee had a Mississippi medical license at this time, Licensee was required by the Board's Executive Director to get authorization from the Board before Licensee could practice medicine in Mississippi. After obtaining the copies of the scripts, Investigator Gunter traveled to Gulfport in an attempt to meet with Licensee. The owner of the building reported that Licensee had leased space for a medical clinic from him from about July 2000 to February 2001. Licensee had

not been seen since February 2001. Copies of the prescriptions are attached hereto as "Exhibit 4" and incorporated herein by reference.

4. That on July 30, 2001, Investigator Gunter located and interviewed Licensee regarding the faxed prescriptions. Licensee admitted signing the prescriptions, but he did not admit to writing the prescriptions. According to Licensee, he had been introduced to a man who was starting an internet based prescribing company. One day he received a telephone call from the same man who stated that he would be sending Licensee some patients' information via email for Licensee to review. Licensee stated that after he reviewed the patients' information, the man faxed the completed prescriptions for Licensee's signature. Licensee stated that at no time did he physically examine, speak or communicate with the patients.

During the interview with Investigator Gunter, Licensee stated that he had not practiced medicine in two (2) years other than the incident with the faxed prescriptions. Licensee stated that he was currently living in Woolmarket, Mississippi, a small community outside of Biloxi, and delivering pizzas for a living. Licensee stated that he is seeing his psychiatrist and taking his medication. Investigator Gunter suggested that Licensee address his issues to the Board in the form of a letter and to contact Gary Carr, M.D., with the Mississippi Recovering Physicians Program (MRPP). The Report of Investigation of Investigator Gunter is attached hereto as "Exhibit 5" and incorporated herein by reference.

5. That in a letter to the Board's Executive Director dated August 1, 2001, Licensee stated that he wanted to "update" the Board on his current situation. Licensee wrote, "Since our last correspondence last year, I have been undergoing treatment for bipolar disorder. I am currently taking Effexor and Lithium. My psychiatrist is Dr. Tracey and my psychologist is Dr. Patsy Zakaras. I was hospitalized for 2 weeks in Jan/Feb 2001 at Tulane in New Orleans. I feel I had a relapse because I stopped my medication after I started feeling better. I feel my medical condition has begun to stabilize over the last few months since my discharge from the hospital. I have not been practicing medicine since December 1999. I am currently delivering pizzas for Dominos."

In his August 1, 2001, letter, Licensee did admit that he had signed the faxed prescriptions for the controlled substances. Licensee stated that an attorney friend had introduced him to a Darrel Kelso and later to a Neil Yeager of RX Networks. They met several times and had discussions about an "on-line drug store." The men convinced him their business was legal and that they had other doctors working for them. Licensee stated that he was emailed about 30-40 patients' files. He reviewed them, rejected several and approved the rest. The company faxed him prescriptions for each approved patient. He signed the prescriptions and faxed them back to the company. The August 1, 2001, letter of Licensee is attached hereto as "Exhibit 6" and incorporated herein by reference.

6. That on September 18, 2001, Gary Carr, M.D., Medical Director of MRPP, indicated in correspondence by a faxed letter that Licensee had scheduled an appointment with

him, but Licensee failed to keep this appointment. The September 18, 2001, letter from Dr. Carr is attached hereto as "Exhibit 7" and incorporated herein by reference.

7. That in a letter to the Board dated April 2, 2002, Anthony J. Stock, M.D., the psychiatrist for Licensee, stated that he believes Licensee is able to return to work as a physician. Based on Dr. Stock's report, on April 16, 2002, the Board's then Director approved Licensee's return to the practice of medicine in Mississippi.
8. That on or about July 31, 2008, a member of the Board's Investigative staff, while conducting a pharmacy profile in Corinth, Mississippi, documented "doctor shopping" patients from the Corinth area getting Xanax and Lortab prescriptions that were issued to them by Licensee. Licensee's clinic was located in Sebastopol, Mississippi, approximately 200 miles south of Corinth. A subsequent pharmacy profiling effort in Leake, Neshoba, Scott, and Newton counties by the Board's investigative staff documented numerous patients receiving suspicious numbers of prescriptions for controlled substances from Licensee. Many of these patients were known to local law enforcement officials as individuals with histories of drug abuse and drug related arrests.
9. That on August 4, 2010, the Investigative Division of the Board was telephonically contacted by the Chief of Staff at Laird Memorial Hospital in Union, Mississippi, concerning Licensee. The Chief of Staff stated that a situation with Licensee arose in the Emergency Department at Laird Memorial Hospital on the weekend of July 23, 2010. He stated that Licensee had been on duty at the hospital since about 7:00 p.m. the night before this incident. Licensee was in the physician's lounge at the hospital when Licensee was called to the emergency room by the hospital staff. Licensee did not respond to the page and he was physically sought by the hospital staff. Licensee was asleep when found by the staff. He was awakened by the staff and seemed to be sluggish in his response. Shortly after arriving in the emergency room, Licensee went to an office, sat down, put his feet up on a desk and went back to a sound sleep. The hospital staff called for another staff physician to come in to cover the emergency room as Licensee was incapacitated. The incident was reported to the Emergency Room Medical Director and the hospital administrator.

In response to the above incident, the Laird Memorial Hospital administration requested Licensee to provide a urine sample which Licensee agreed to provide. The Chief of staff stated that the urine test determined the presence of marijuana in Licensee's system. Following receipt of the tests, the Chief of Staff stated that he had repeatedly attempted to telephone Licensee over the following week to recommend that Licensee self-report his drug problem to the Mississippi Professionals Health Program (MPHP) and the Medical Board, but the attempts were futile as Licensee did not answer his telephone. A meeting of Laird Memorial Hospital Medical Administrative Committee was held on August 4, 2010, regarding Licensee. It was the decision of the Medical Executive Committee that Licensee would be prohibited from practicing at the hospital until Licensee is cleared to practice by the Board of Medical Licensure and/or the MPHP. The August 4, 2010, report from Laird Hospital is attached hereto as "Exhibit 8 and incorporated herein by reference.



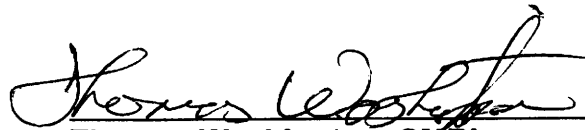
10. Licensee is currently suspended from practicing medicine at the Laird Hospital in Union, Mississippi, based on a finding by the Medical Administrative Committee of that hospital, and Licensee's continued practice constitutes an immediate threat to the public by reason of alcohol or other substance abuse.

**COUNT I**

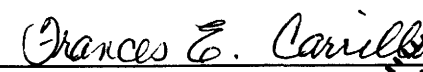
Based upon the foregoing, Licensee is guilty of having been disciplined by a licensed hospital or medical staff of said hospital as a result of his clinical privileges suspended by the Medical Administrative Committee of the Laird Hospital which summarily suspended his practice at that hospital, all in violation of Miss. Code Ann., Section 73-25-83(c).

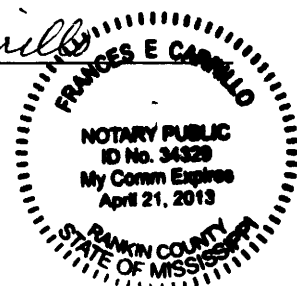
**COUNT II**

Based on the foregoing, Licensee is guilty of unprofessional conduct, including dishonorable or unethical conduct likely to deceive, defraud or harm the public, all in violation of Miss. Code Ann., Section 73-25-29(8)(d) and Section 73-25-83(a).

  
Thomas Washington, CMBI  
Investigative Division Bureau Director  
Mississippi State Board of Medical Licensure

Sworn to and Subscribed Before me, this the 28<sup>th</sup> day of March, 2011.

  
Notary Public



**BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE**

**IN THE MATTER OF THE PHYSICIAN'S LICENSE**

**OF**

**JOHN EDWIN WITCHER, M.D.**

**SUMMONS**

**TO: JOHN EDWIN WITCHER, M.D.  
208 CAMELOT WAY  
BRANDON, MS 39047**

**LICENSE NO. 14977**

**YOU ARE HEREBY SUMMONED** to appear before the Mississippi State Board of Medical License in its Executive Conference Room, 1867 Crane Ridge Drive, Suite 200-B, Jackson, Hinds County, Mississippi, on April 8, 2011, to answer the charges filed against you in the matter now pending before this Board. The hearing will promptly begin on April 8, 2011, at 5:30 p.m. The Mississippi State Board of Medical Licensure, charged by law with the licensing of medical doctors in this state, under Title 73, Chapter 25, Mississippi Code (1972), as amended, charges that you, a physician duly licensed under the authority of the Mississippi State Board of Medical Licensure and the laws of the State of Mississippi, are guilty of being disciplined by a licensed hospital or medical staff of said hospital; and guilty unprofessional conduct, including dishonorable or unethical conduct likely to deceive, defraud or harm the public.

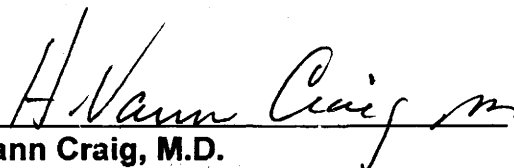
Pursuant to Subsections (8)(d) and of Section 73-25-29 and Subsections (a) and (c) of Section 73-25-83, Miss Code Ann., (1972) Annotated, as amended, such acts constitute grounds for the Mississippi State Board of Medical Licensure to place your

license on probation, the terms of which may be set by the Board, suspend your right to practice for a time deemed proper by the Board, revoke your Mississippi medical license, or take any other action in relation to your license as the Board may deem proper under the circumstances.

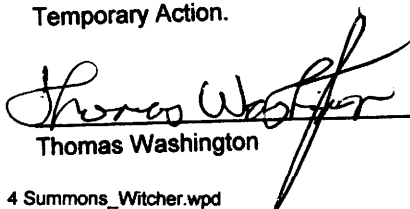
The Mississippi State Board of Medical Licensure further advises you that you have a right to be present at the hearing, to be represented by counsel, to produce witnesses or evidence on your behalf, to cross-examine witnesses and to have subpoenas issued by this Board. Attached to this Summons and incorporated herein by reference is a copy of the Rules of Procedure for disciplinary proceedings before the Board. The Rules set forth important rights and obligations which you, as a Respondent, should consider. By service of this Summons and attached Rules, you are deemed to be fully advised of the same.

Given under My Hand and Seal of Office this the 20<sup>th</sup> day of March, 2011.

**Mississippi State Board of Medical Licensure**

  
**H. Vann Craig, M.D.**  
**Executive Director**

I, Thomas Washington, Investigative Bureau Director of the Mississippi State Board of Medical Licensure, did personally serve John Edwin Witcher, M.D., on March 28, 2011, at 5:10 p.m., an original copy of this Determination of Need for Temporary Action.

  
**Thomas Washington**



TELEPHONE: (601) 987-3079

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## MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

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